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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-----------------|----------------------|---------------------|------------------|
| 10/723,994 | 11/25/2003 | Martin Newman | 0EKM-108414 | 7981 |
| 30764 | 7590 03/23/2005 | | EXAMINER | |
| SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 333 SOUTH HOPE STREET | | | CHAMBERS, MICHAEL S | |
| 48TH FLOOR LOS ANGELES, CA 90071-1448 | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| Office Action Summary - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estations of time may be available until the provisions of 37 GPT 1.18(6). In revent, however, may a reply be timely filed Estations of time may be available until the provisions of 37 GPT 1.18(6). In revent, however, may a reply be timely filed Estations of time may be available until the provisions of 37 GPT 1.18(6). In revent, however, may a reply be timely filed Estations of the reply appendies above is less than thirty (30) days, a reply which the statistory minimum of thirty (30) days will be considered timely. Estations of the provision of the statistic provisions of the statistic provisions of the statistic provisions. Provisions of the statistic provisions of the statistic provisions. Part reply recalcularly the Office their than three modes that the mediang date of this communication, even if timely (30) days of the communication and the communication a | | Application No. | Applicant(s) | | | | | | |
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| Mike Chambers 3711 | | 10/723,994 | NEWMAN ET AL. | | | | | | |
| The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALIND DATE OF THIS COMMUNICATION. Edemission for many be swalled under the provisions of 3 CFR 1.135(a). In an event, however, may a reply the timely filed Edemission for many be swalled under the provisions of 3 CFR 1.135(a). In an event, however, may a reply the timely filed Edemission for the prior period down to the text han hirty CDI days, with the statutory minimum of hirty (DI) days will be considered timely. If the period for reply specified down is here than hirty CDI days, with by didated, cause has application to become ABARDONED (89 U.S.C. § 133). Period for the period for reply specified and reply than hirty CDI days, with by didated, cause has application to become ABARDONED (89 U.S.C. § 133). Calmin to reply within the set or estended pricid for reply with, by didated, cause has application to become ABARDONED (89 U.S.C. § 133). Calmin the period for the period for reply with by didated, cause has application to become ABARDONED (89 U.S.C. § 133). Calmin this application is condition for fallowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) © Claim(s) 1.22 is/are pending in the application. 4) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1.33 are allowed. 6) □ Claim(s) 1.34 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 1.34 are subjected to be the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing shee(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO- | Office Action Summary | Examiner | Art Unit | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. and SIX (9) MONTHS from the mallog date of this communication. If the management of the properties of the communication. If the period for reply is period above, the management of the communication. If the period for reply seed and so is less than this (20) days, a reply while the distutory minimum of thing (20) days will be communication. If the period for reply is period above, the management of the communication is the period of the reply seed and the seed that the management of the period of the communication. Any reply reported by the Office later than there months after the malling date of this communication, several films the management of the period of the communication. Any reply reported by the Office later than there months after the malling date of this communication, several films the management of the period of the communication. Any reply reported by the Office later than the management of the period of the communication. Any reply reported by the office later than the management of the period of the communication. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)522 is/are pending in the application. 4a) Of the above claim(s) is/are rejected. 7) Claim(s)522 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) All by some *cy None of: 11 Certified copies of the priority documents have been received in Application No 3. 12 Certified copies of the priority documents have been re | | | · · · · · · · · · · · · · · · · · · · | | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Edenisors of time may be variable under the provisions of 3 CPR 1.136(b). In no event, however, may a raply be timely filed after SX (6) MONTHS from the mailing date of this communication. If the prod for early specified does in less than their (50) days, a reply within the statutory relations that the mailing date of this communication. Fallure to reply within the set or extended period for reply well, by statutory relations to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office the than these months after the mailing date of this communication, even if timely filed, may reduce any commence patent term adjustment. See 37 CFR 1.794(b). Status 1) Responsive to communication(s) filed on 25 November 2003. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is FINAL. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) is/are pended. 7) Claim(s) is/are allowed. 8) Claim(s) 1-27 are subject to restriction and/or election requirement. Application Papers 9) The precification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Some *c) None of: 11 Certified copies of the prior | | tion appears on the cover sheet | with the correspondence addres | s | | | | | |
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| | Notice of Draftsperson's Patent Drawing Review (PTO-3) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date | 948) Paper No D/SB/08) 5) | o(s)/Mail Date Informal Patent Application (PTO-152) | ı | | | | | |

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DETAILED ACTION

Page 2

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I- Golf clubs having an engineered textured recessed surface wherein each geometric shape has an area less than 0.05 mm ² —claims 18-27.

Group II- Golf clubs having an engineered textured recessed surface wherein each geometric shape has a volume of less than 0.0007 mm ³—claims 1-7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The method claims are also restricted in the following manner:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group III- A method of manufacture utilizing chemical etching Tclaims 9, 12-17.

Group IV - A method of manufacture utilizing precision saw-cutting — claims 10, 12-17.

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Group V- A method of manufacture utilizing laser cutting — claims 11-17.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 8 is generic.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant's representative J. Brueggemann was contacted by phone on March 15, 2005 to discuss the restriction. This application is being mailed as a result of that discussion.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is (571) 272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Chambers Examiner Art Unit 3711

March 18, 2005

GREGORY VIDOVICH SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3700